



Town of Newmarket

Agenda

Committee of Adjustment

Date: Wednesday, June 19, 2019
Time: 9:30 AM
Location: Council Chambers
Municipal Offices
395 Mulock Drive
Newmarket, ON L3Y 4X7

Pages

1. **Declarations of Pecuniary Interest**

2. **Items**

- | | | |
|-----|--|----|
| 2.1 | Minor Variance Application - D13-A03-19
KUHNE, Carl & KUHNE, Amber
Lot 13, Plan 65M3486
546 Menczel Crescent | 1 |
| 2.2 | Minor Variance Application - D13-A07-19
BIROCK INVESTMENTS INC.
Block 5, Plan 65M3871
Stackhouse Road – North Side | 4 |
| 2.3 | Minor Variance Application - D13-A08-19
BIROCK INVESTMENTS INC.
Block 6, Plan 65M3871
Stackhouse Road – South Side | 7 |
| 2.4 | Consent Application - D10-B01-19 (to be heard in conjunction with following applications)
MAIN STREET CLOCK INC
Plan 81, Part Lot 50 to 52 | 10 |

194 Main Street South

2.5 Consent Application - D10-B02-19

MAIN STREET CLOCK INC.

Plan 81, Part Lot 50 to 52

188, 190, 192 Main Street South

2.6 Consent Application - D10-B03-19

MAIN STREET CLOCK INC.

Plan 81, Part Lot 50 to 52

184, 186 Main Street South

2.7 Minor Variance Application - D13-A04-19

MAIN STREET CLOCK INC.

Part Lot 50-52, Plan 65R11342

194 Main Street South (Proposed severed lot, per D10-B01-19)

2.8 Minor Variance Application - D13-A05-19

MAIN STREET CLOCK INC.

Part Lot 50-52, Plan 65R11342

188, 190, 192 Main Street South (Proposed severed lot, per D10-B02-19)

2.9 Minor Variance Application - D13-A06-19

MAIN STREET CLOCK INC.

Part Lot 50-52, Plan 65R11342

184, 186 Main Street South (Proposed severed lot, per D10-B03-19)

3. Approval of Minutes

16

Minutes of the regular Meeting of the Committee held on Wednesday, April 17, 2019.

4. Adjournment



PLANNING AND BUILDING SERVICES

Town of Newmarket

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Report

TO: Committee of Adjustment

FROM: Ted Horton
Planner

DATE: June 11, 2019

RE: Application for Minor Variance **D13-A03/2019**
546 Menczel Crescent
Town of Newmarket
Made by: KUHNE, Carl & Amber

1. Recommendations:

That Minor Variance Application D13-A03/2019 be approved, subject to the following conditions:

1. That the variance pertains only to the requests as submitted with the application;
2. That two spaces in the garage be reserved for the purpose of required parking and for no other use; and
3. That the development be substantially in accordance with the information submitted with the application.

2. Application:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, to vary the parking requirements for a single detached residential dwelling with an accessory dwelling unit. The requested relief is below.

Relief	By-law	Section	Requirement	Proposed
1	2010-40	5.3.1	To provide four parking spaces exterior to a garage for a dwelling unit and accessory dwelling unit	To provide two parking spaces exterior to a garage and two parking spaces inside of a garage for a dwelling unit and accessory dwelling unit

The above-described property (herein referred to as the “subject lands”) is located in a residential neighbourhood, northwest of the intersection of Yonge Street and Mulock Drive and south of Clearmeadow Boulevard. There is an existing single detached residence on the lot and it is surrounded by similar single detached homes.

3. Planning considerations:

The applicant is requesting relief from the By-law in order to permit a reduction in the required parking to facilitate the creation of an Accessory Dwelling Unit (ADU) in the existing building. The Zoning By-law requires that four outdoor parking spaces be provided when a dwelling unit has an

ADU. In this case, the driveway is not large enough to accommodate four spaces due in part to the presence of a sidewalk across the front of the property.

In order to authorize a variance, Committee must be satisfied that the requested variance passes the four tests required by the *Planning Act*. In this regard, staff offer the following comments:

Conformity with the general intent of the Official Plan

The subject lands are designated “Stable Residential” in the Town’s Official Plan. This designation permits a range of residential accommodation built form types. Regarding this designation, the Town’s Official Plan states:

It is the objective of the Stable Residential Area policies to:

- a. sustain and enhance the character and identity of existing residential communities; and,
- b. encourage the preservation and maintenance of the Town's existing housing stock, supplemented by various forms of residential intensification such as infilling and the creation of accessory dwelling units.

This designation permits, among other uses, single detached dwellings of a range of sizes and built forms. The application is found to conform to the Official Plan. Furthermore, the Planning Act requires the Town’s Official Plan to contain policies that authorize ADUs, and to create standards that support the creation of ADUs. This test is met.

Conformity with the general intent of the Zoning By-law

The subject lands are zoned Residential Single Detached Dwelling 9.7 Metre (R1-F) Zone by By-law Number 2010-40, as amended. Single detached dwellings and accessory dwelling units are permitted uses in this zone. Save for the number of parking spaces, this property meets all zoning requirements for an ADU.

Section 5.3.1 of the Zoning By-law sets out the parking standards for residential uses. This Section states that a single detached dwelling must have two spaces. An ADU must also have two spaces. There is a note which states that when there is a dwelling unit and an ADU, the required parking spaces shall be provided exterior of any garage or structure. Therefore the parking requirement is for four (4) outdoor parking spaces. The length of the driveway is measured from the garage face to the sidewalk or curb of the road, whichever is closest. In this case, the applicant’s driveway from the garage face to the sidewalk is not long enough to accommodate the four spaces given the maximum driveway width permitted under the zoning by-law. The applicants have two outdoor parking spaces and an attached garage, but the zoning by-law typically precludes any space in the garage from being counted toward the parking requirement.

The general intent of the By-law is to provide sufficient parking for the two dwelling units. Accessory dwelling units arguably have a generally lower parking demand. In addition to being smaller than the principal dwelling unit, they are by nature rental units. These factors are commonly associated with lower parking demand. Providing two parking spaces outdoors and two spaces inside the garage, as would be required by the proposed condition, meets the general intent of the zoning by-law. This test is met.

Desirable for the appropriate development of the land

The variance is considered desirable for the development and the use of the land. An ADU contributes to the mix of housing types in Newmarket and supports the Town’s goals of providing for affordable housing and an increased supply of rental housing. Furthermore, ADUs allow an increase in the density of dwelling units and allow homeowners a source of income for their property. While the

standard parking requirement of four spaces exterior and additional to any spaces provided in a garage may provide ample parking, not all ADUs will generate such a parking demand. A minor variance is the appropriate tool for relief from zoning requirements that would prevent an otherwise desirable development, and a minor parking variance should not overshadow the desirability of an ADU as a development as encouraged by Town, Region, and Provincial policy.

Minor nature of the variance

The impact of the proposed variance appears to be minimal as the potentially increased number of vehicles generated by the accessory unit can be accommodated on site, either by the existing two spaces or by the parking spaces in the garage as would be required by the proposed condition.

In consideration of the above, the proposed variance meets the four tests under the *Planning Act*.

4. Other comments:

Heritage

No structure on the lot is listed under the *Ontario Heritage Act*.

Commenting agencies and departments

No comment was available from Building Services at the time of writing this application.

Engineering Services has no comments on the application.

Effect of Public Input

No public input was received as of the date of writing this report.

5. Conclusions:

The relief as requested:

- (1) is minor in nature;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,



Ted Horton, Planner
MCIP, RPP


PLANNING AND BUILDING SERVICES

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Planning Report

To: Committee of Adjustment
From: Ted Horton
 Planner
Date: June 11, 2019
Re: Application for Minor Variance **D13-A07-19**
 Block 5, Plan 65M3871
 Made by: BIROCK INVESTMENTS INC.

1. Recommendations:

That Minor Variance Application D13-A07-19 be approved, subject to the following condition:

- a. That the variance pertains only to the request as submitted with the application.

2. Application:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, to facilitate the development of vacant employment lands on the north side Stackhouse Road (herein referred to as the "subject lands").

The requested relief is provided below:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.5.2	Maximum building height of 10.6 metres	Maximum building height of 11.6 metres

3. Planning considerations:

No development is currently proposed for the subject lands. The property owner is applying for the same relief through minor variance application D13-A08-19 to facilitate the future development of the southern lands. Those southern lands are subject to a site plan agreement to construct building for a light manufacturing use.

In order to authorize a variance, Committee must be satisfied that the requested variance meets the four tests required by the *Planning Act*. In this regard, staff offer the following comments:

Conformity with the Official Plan

The subject lands are designated Business Park – General Employment by the Town's Official Plan. This designation permits a range of uses including industrial activities such as manufacturing, warehousing, wholesaling, and professional offices. The Official Plan sets out that a high standard of building and site design, landscaping, and signage shall be required. No development is currently proposed on the subject lands, and a high standard of design will be achieved through any future site

plan approval process, this application is found to conform to the general intent of the Official Plan. This test is met.

General intent of the zoning by-law

The subject lands are zoned Heavy Employment (EH) by By-law Number 2010-40, as amended. This zone permits a range of employment and industrial uses, and limits the height of buildings to 10.6 metres. The general intent of regulating built form is to ensure compatibility between nearby developments and provide for orderly development.

As the lands are currently within a vacant industrial subdivision that does not feature significant topographical differences, providing for a slightly higher built form should continue to provide a design that is compatible within the development and in relation to surrounding properties. This test is met.

Desirable development of the lot

Determining whether a variance is part of a desirable development of the lot requires Committee to consider and reach an opinion as to whether the variance is desirable for the appropriate use of the subject lands. The proposed variance allows a uniform built form height that does not deviate significantly from the surrounding area's permissions. The development of the lands supports the completion of a vacant industrial subdivision and the achievement of efficient development of employment lands. This test is met.

Minor nature of the variance

The test of if a variance is minor is not simply an evaluation of the numerical value, nor is impact the sole determining factor. The proposed variance would allow structures across the currently vacant industrial subdivision to be similar in height with a slight increase from the currently permitted maximum height. Other taller buildings exist within the nearby area and have been permitted within the employment lands, and differences in building height do not inherently cause incompatibility. No significant negative impacts are foreseen from permitting a one metre increase in building height across the subject lands.

In consideration of the above, the proposed variance meets the four tests under the *Planning Act*.

4. Other comments:

Commenting agencies and departments

No comment was available from Building Services at the time of writing this application.

Engineering Services has reviewed the application and indicated that they have no objection provided that existing drainage patterns are not altered and construction does not occur within any easement(s), where applicable.

The Regional Municipality of York has reviewed the minor variance application and has advised they have no comment on the proposal.

Tree protection

The properties are subject to site plan control, at which time the Town will address the requirements of the Tree Policy.

Site Plan Control

The property is subject to Site Plan Control as designated by By-law 2010-41. Impacts of the development will be managed by staff through a future site plan approval process, including addressing stormwater management, adequate landscaping and planting, compliance with the Tree Policy, and other matters.

Effect of Public Input

At the time of writing of this report, Planning Services had received no public input related to this application.

5. Conclusions:

That the relief as requested:

- (1) is minor in nature;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,



Ted Horton, Planner
MCIP, RPP



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Planning Report

To: Committee of Adjustment

From: Ted Horton
 Planner

Date: June 11, 2019

Re: Application for Minor Variance **D13-A08-19**
 Block 6, Plan 65M3871
 Made by: BIROCK INVESTMENTS INC.

1. Recommendations:

That Minor Variance Application D13-A08-19 be approved, subject to the following condition:

- a. That the variance pertains only to the requests as submitted with the application.

2. Application:

An application for a minor variance has been submitted by the above-noted owner to request relief from Zoning By-law Number 2010-40 as amended, to facilitate the development of vacant employment lands on the south side Stackhouse Road (herein referred to as the "subject lands").

The requested relief is provided below:

Relief	By-law	Section	Requirement	Proposed
1	2010-40	6.5.2	Maximum building height of 10.6 metres	Maximum building height of 11.6 metres

3. Planning considerations:

One building for a light manufacturing use is currently proposed through a site plan approval application for the western side of the subject lands, while the rest of the lands currently have no application for development. The property owner is applying for this variance to facilitate the current development and to allow for a similar built form height for other future structures on the subject lands. Through minor variance application D13-A07-19 the property owner is applying for the same relief for the vacant lands on the north side of Stackhouse Road for the future development of the lands.

In order to authorize a variance, Committee must be satisfied that the requested variance meets the four tests required by the *Planning Act*. In this regard, staff offer the following comments:

Conformity with the Official Plan

The subject lands are designated Business Park – General Employment by the Town's Official Plan. This designation permits a range of uses including industrial activities such as manufacturing, warehousing, wholesaling, and professional offices. The Official Plan sets out that a high standard of building and site design, landscaping, and signage shall be required. As the proposed light

manufacturing use is permitted and a high standard of design will be achieved through the site plan approval process, this application is found to conform to the general intent of the Official Plan. This test is met.

General intent of the zoning by-law

The subject lands are zoned Heavy Employment (EH) by By-law Number 2010-40, as amended. This zone permits light manufacturing and limits the height of buildings to 10.6 metres. The general intent of regulating built form is to ensure compatibility between nearby developments and provide for orderly development.

As the lands are currently within a vacant industrial subdivision that does not feature significant topographical differences, providing for a slightly higher built form should continue to provide a design that is compatible within the development and in relation to surrounding properties. This test is met.

Desirable development of the lot

Determining whether a variance is part of a desirable development of the lot requires Committee to consider and reach an opinion as to whether the variance is desirable for the appropriate use of the subject lands. The proposed variance allows for the height internal to the building that is necessary for the intended manufacturing processes. The development of the lands supports the completion of a vacant industrial subdivision and the achievement of efficient development of employment lands. This test is met.

Minor nature of the variance

The test of if a variance is minor is not simply an evaluation of the numerical value, nor is impact the sole determining factor. The proposed variance would allow structures across the currently vacant industrial subdivision to be similar in height with a slight increase from the currently permitted maximum height. Other taller buildings exist within the nearby area and have been permitted within the employment lands, and differences in building height do not inherently cause incompatibility. No significant negative impacts are foreseen from permitting a one metre increase in building height across the subject lands.

In consideration of the above, the proposed variance meets the four tests under the *Planning Act*.

4. Other comments:

Commenting agencies and departments

No comment was available from Building Services at the time of writing this application.

Engineering Services has reviewed the application and indicated that they have no objection provided that existing drainage patterns are not altered and construction does not occur within any easement(s), where applicable.

The Regional Municipality of York has reviewed the minor variance application and has advised they have no comment on the proposal.

Tree protection

The properties are subject to site plan control, at which time the Town will address the requirements of the Tree Policy.

Site Plan Control

The property is subject to Site Plan Control as designated by By-law 2010-41. Impacts of the development will be managed by staff through the site plan approval process, including addressing stormwater management, adequate landscaping and planting, compliance with the Tree Policy, and other matters.

Effect of Public Input

At the time of writing of this report, Planning Services had received no public input related to this application.

5. Conclusions:

That the relief as requested:

- (1) is minor in nature;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) is considered desirable for the appropriate development of the lot.

Respectfully submitted,



Ted Horton, Planner
MCIP, RPP



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Planning Report

TO: Committee of Adjustment

FROM: Ted Horton
 Planner

DATE: June 11, 2019

RE: Applications for Minor Variance **D13-A04-19, D13-A05-19, D13-A06-19**
 Applications for Consent **D10-B01-19, D10-B02-19, D10-B03-19**
 Part Lot 50-52, Plan 65R11342
 180 – 194 Main Street South
 Made by: MAIN STREET CLOCK INC.

1. Recommendations:

That Applications for Consent D10-B01-19, D10-B02-19, D10-B03-19 be granted, subject to the following conditions:

- a. That the Owner obtain relief from the provisions of the zoning by-law as set forth in Minor Variance Applications D13-A04-19, A05-19, and A06-19;
- b. That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:
 - i. proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;
 - ii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the applications as submitted; and
 - iii. required transfers to effect the severances and conveyances applied for under Consent Applications D10-B01-19, D10-B02-19, D10-B03-19, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act.

That Applications for Minor Variance D13-A04-19, A05-19, A06-19 be granted.

2. Background

This report follows applications for Official Plan amendment and zoning by-law amendment to permit the multi-unit residential redevelopment of the property indicated above (the 'subject lands'), which comprised the historic post office and three adjoining buildings to the south. These buildings were once located on four separate lots, but have previously merged, and this application seeks to re-divide the properties.

Council refused to amend the zoning by-law to match the proposal of the applicant, and this refusal was subsequently appealed to the Ontario Municipal Board. This appeal has since been withdrawn, and the Town and the property owner have entered into minutes of settlement to conclude the appeal. The result is that the existing zoning remains in place on the property. The property owner is now seeking to divide the four buildings into separate lots through the current applications.

3. Application

The lands are located on the west side of Main Street South, south of Park Avenue. Each of the three consent applications would result in the successive severance of the four buildings and their associated lands from one another. The purpose of the minor variance applications is to address existing amount of floor space on each of the proposed lots that exceeds the maximum permitted by the zoning by-law. No current physical change to the site is proposed through these applications, only a division of ownership.

The requested relief is presented below:

Application	By-law	Section	Requirement	Proposed
D13-A04-19	2010-40	6.4.2	Maximum Floor Space Index of 1.0	Maximum Floor Space Index of 1.85
D13-A05-19				Maximum Floor Space Index of 1.1
D13-A06-19				Maximum Floor Space Index of 1.25

The purpose of the consent applications is to successively convey each of the subject lands indicated as "A" (severed lands) on the submitted sketches and to retain the lands marked "B" (retained lands) on the submitted sketches. The effect of this will be to sever the southernmost building from the remaining northerly three buildings, and then to sever the next-southernmost building, and to repeat this process until the historic post office and each of the three buildings is situated on its own legal parcel of land. The relevant statistics for the lot proposed to be severed by each application are below.

	Frontage (m)	Depth (m)	Area (m ²)
D13-A04-19	9.7	26.1	229
D13-A05-19	11	28	315
D13-A06-19	8.7	28.2	283
Retained (post office)	25.8	64.3	1913

The subject lands are currently occupied by a range of historic buildings. No current use is proposed for any of the buildings. Any future use will be required to comply with the permissions of the zoning by-law.

4. Planning considerations – Minor Variances

4.1 Variances

The question of the application for consent and variance must be addressed in tandem. If Committee decides not to grant the consent, the applications for relief are unnecessary. If Committee decides to deny the relief, the consent cannot be approved, as it is required for the proposed resulting lots to conform with the requirements of the zoning by-law.

In order to authorize a minor variance, Committee must be satisfied that the requested variances pass the four tests required by the *Planning Act*. In this regard, staff offer the following comments:

4.2 Conformity with the general intent of the Official Plan

The subject lands are within the Historic Downtown Centre of the Town's Official Plan. Section 4.3.3 of the Official Plan discusses this area and the intent to "be the heart of historic Newmarket and the cultural and community focus of the Town". The policies of this designation seek to encourage the maintenance, upgrading, and redevelopment of buildings and facades along Main Street South in a manner that aligns with the Historic Downtown Community Improvement Plan and the heritage nature of the area.

The proposed minor variance applications will recognize an existing built form of structures that exceed the maximum permitted amount of floor space for each lot. This existing condition reflects building styles of an era before minimum parking requirements and other zoning considerations that today impose setbacks and limit density. However, the existing buildings on Main Street South are regarded as the heart of historic Newmarket and the Official Plan seeks to allow their repurposing and upgrading, and no reduction in FSI is encouraged by the Official Plan. Accordingly, this test is met.

4.3 Conformity with the general intent of the Zoning By-law

The subject lands are zoned Historic Downtown Zone by By-law Number 2010-40, as amended.

The general intent of maximum floor space index limits is to control the density of each lot in a manner that ensures compatibility and similar built form massing, avoiding overbuilding on a lot in a manner that does not align well with the surrounding area. In the case of the historic downtown area, many buildings exceed the maximum FSI due to being built out to lot boundaries and having multiple stories. The proposed variances would recognize an existing condition that has been on the site for decades and has provided a compatible built form in the area. This test is met.

4.4 Desirable development of the lot

It is desirable to allow property owners to invest in, redevelop, and improve their properties in accordance with the Official Plan and the Zoning By-law. In cases of consents, it is desirable to allow property owners to arrange their properties and sever new lots in a manner that suits their needs subject to the need for orderly development and zoning conformity. The proposed variances will assist in allowing the buildings to be divided in a manner that reflects their historical ownership pattern before they were merged, and may lead to a return the independent ownership of lots.

As the requested relief would allow a return to a previous property division alignment that reflects the lot fabric along the overall Main Street Area, in staff's opinion, this test is met.

4.5 Minor nature of the variances

The variances are minor in nature as they recognize a long-existing built form condition and assist in returning the lot fabric to its condition as it existed before the subject lands lots were merged. This test is met.

In consideration of the above, the proposed variances, subject to the recommended conditions, meet the four tests under the *Planning Act*.

5. Planning considerations – Consent

5.1 Conformity with Provincial Policy and Regional Plans

Provincial plans are to inform Committee's decision regarding consents. Relevant plans include the Places to Grow Act, the Growth Plan for the Greater Golden Horseshoe, and the Provincial Policy Statement 2014. These acts and plans speak to allowing consents where appropriate, to directing development to areas within urban boundaries, and to intensify existing built-up areas.

The Provincial Policy Statement and provincial policy documents are to be read in their entirety and the relevant policies applied to each situation. In situations where more than one policy is relevant, a decision maker such as the Committee of Adjustment should consider all of the relevant policies to understand how they work together. These documents are available online and through Planning Services and staff from Planning Services are available to assist members of Committee to access and consider them. Given the number and breadth of policy documents they will not all be discussed in this report, but relevant excerpts are provided and brief comments on their relevancy offered.

The Provincial Policy Statement directs that municipalities manage and direct land use to achieve efficient land use patterns. This aim and the creation of healthy, liveable, and safe communities is supported by:

- Promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term; and
- Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs, among other efforts.

Section 2 of the Planning Act sets out Matters of Provincial Interest that are to be considered by the Committee as part of applications for consent. In particular, Committee may consider matters of interest such as the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest.

In addition, criteria under Section 51 (24) of the Planning Act must also be considered when the considering the creation of new lots through consent. Many of these criteria are addressed by staff and agency comments, but these clauses should be considered in their entirety by Committee.

The Growth Plan for the Greater Golden Horseshoe 2019 (the 'Growth Plan') provides more specific policy direction. Every planning decision is required to conform with or not conflict with this Plan. The Growth Plan supports the conservation of cultural heritage resources, and the division of the subject lands into a lot pattern that is consistent with the surrounding streets does not conflict with the Growth Plan.

The York Regional Official Plan (the 'YROP') also generally states that intensification and infill in urban areas by consent is appropriate. The current applications do not propose any physical change or intensification to the site. Any changes to the site will be required to proceed through the required municipal review processes.

5.2 Conformity with the Official Plan

As discussed above, the subject lands are designated Historic Downtown Centre in the Town's Official Plan. The Official Plan does not specifically address applications for consent in this area,

but rather speaks to encouraging the maintenance and improvement of the structures in this historic area.

Section 16.1.5 of the Official Plan sets out the circumstances in which an application for consent will be granted. The section reads that consents shall only be granted where:

- a. the severance is for the purpose of infilling within existing development;
- b. a plan of subdivision is not necessary;
- c. the number of lots created is three or less;
- d. the lot can be adequately serviced by sanitary sewage disposal, water supply, and storm drainage facilities;
- e. no extension, improvement or assumption of municipal services is required;
- f. the lot will have frontage on an improved public road, and access will not result in traffic hazards;
- g. the lot will not restrict the ultimate development of adjacent lands;
- h. the size and shape of the lot conforms with the requirements of the Zoning By-law, is appropriate to the use proposed and compatible with adjacent lots; and,
- i. the consent complies with all relevant provisions of this Plan.

The proposed consents clearly meet each of these requirements. The severances are within a developed area and do not require a plan of subdivision to address their impacts. Three lots are created by the applications, which are already serviced by municipal servicing. The proposed lots front onto at least one municipal road, and the division of land does not restrict attaining the development permitted by the zoning by-law. The proposed lots conform with the size and shape of the zoning by-law, are compatible with the adjacent lots, and the applications comply with all relevant provisions of the Official Plan.

The proposed applications are consistent with the purpose and intent of the Official Plan.

5.3 Conformity with the Zoning By-law

The subject lands are zoned Historic Downtown Zone (UC-D1) by By-law Number 2010-40, as amended. This zone has no minimum lot area or frontage requirements, recognizing the unique lot pattern in the Main Street South area. The requested relief from the zoning by-law recognizes the existing amount of floor space index of the buildings on each of the resulting lots, but no nonconformity in terms of the lots themselves exists.

6. Other comments

6.1 Tree protection

No physical change is proposed to the site, and any development will be required to comply with the Tree Policy.

6.2 Heritage

All of the structures on the subject land are designated under either Part IV or Part V of the Ontario Heritage Act. Any changes to the structures will be required to be reviewed under the appropriate Planning Act, Ontario Heritage Act, and Ontario Building Code Act requirements.

6.3 Effect of public input

Planning Services received no public input as of the date of writing this report.

6.4 Commenting agencies and departments

No comment was available from Building Services at the time of writing this application.

Engineering Services has reviewed the application and indicated that they have no objection provided that existing drainage patterns are not altered and construction does not occur within any easement(s), where applicable.

7. Conclusions

Minor Variance Applications D13-A04-19, D13-A05-19, D13-A06-19

That the relief as requested:

- (1) is minor in nature;
- (2) conforms to the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) is considered desirable for the appropriate development of the lot

Consent Application D10-B01-19, D10-B02-19, D10-B03-19

The consents are appropriate divisions of land that meet the relevant requirements of the Zoning By-law, Official Plan, and matters of Provincial interest, and should be granted.

Respectfully submitted,



Ted Horton
Planner
MCIP, RPP



The meeting of the Committee of Adjustment was held on Wednesday, April 17th, 2019 at 9:30 a.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members Present: Gino Vescio, Chair
Peter Mertens, Vice Chair
Ken Smith, Member
Elizabeth Lew, Member
Mohsen Alavi, Member

Staff Present: Ted Horton, Planner
Linda Traviss, Alternate Secretary-Treasurer
Alannah Slattery, Secretary-Treasurer

The Meeting was called to order at 9:30 a.m. in the Council Chambers to consider items on the agenda.

The Alternate Secretary-Treasurer called for declarations of pecuniary interest. No conflicts were declared.

The Alternate Secretary Treasurer called for motion to vote on the selection of Chair.

Peter Mertens nominated Gino Vescio for Chair.

Moved by Peter Mertens
Seconded by Ken Smith

THAT Gino Vescio be selected as Chair.

CARRIED

The Alternate Secretary Treasurer called for motion to vote on the selection of the Vice Chair.

Gino Vescio nominated Peter Mertens for Vice Chair.

Moved by Ken Smith
Seconded by Mohsen Alavi

THAT Peter Mertens be selected as Vice Chair.

CARRIED

Gino Vescio in the Chair.

The chair called for conflicts of interest. No conflicts of interest were declared. Members were invited to declare any other conflicts of interest at any time during the meeting.

CONSENT APPLICATION (in conjunction with Minor Variance Applications)

**D10-B04-18 ESHOO, Givargis
Part Lot 3, Plan 113
951 Srigley Street
Town of Newmarket**

**D13-A23-18 ESHOO, Givargis
Part Lot 3, Plan 113
0 Srigley Street (Proposed Lot)
Town of Newmarket**

**D13-A24-18 ESHOO, Givargis
Part Lot 3, Plan 113
951 Srigley Street (Retained Lot)
Town of Newmarket**

Lucila Sandoval of Groundswell Urban Planners Inc., 95 Mural Street, RICHMOND HILL, ON, L4B 3G2 addressed the Committee as the agent on behalf of the property owner and provided the following comments:

- Present dwelling on the subject lands has been modified
- The driveway has two access points
- Application is for severance and minor reduction in lot frontages.
- The proposal maintains orderly development, and will result in acceptable dwelling units, that will meet coverage requirements
- Consent will not affect required lot area minimum
- An appropriate development can be achieved on each lot
- There are varying lot frontages on the street
- Applicant will agree to protect and save mature trees
- The application meets the four tests, the applicants concur with the staff report

Ms. Lew asked the applicant what size of house is being proposed on the subject lands and Ms. Sandoval advised they had not yet looked at the size of houses, but that the dwellings would meet the zoning requirements.

Mr. Vescio commented that based on the provided map, the frontage for 951 Srigley Street is just over 35 metres in frontage, and the frontage of the properties on either side, and on the west of Carlson Drive, are generally in excess of 30 metres. Mr. Vescio inquired as to how this consent application would maintain character and identity of the surrounding residential community.

Ms. Sandoval advised that there are varying lot frontages further along Srigley Street. She also advised that they are requesting a frontage of 17.5 metres, whereas the zoning requirement for the subject property is 18 metres.

Mr. Vescio noted that the majority of lot frontages in the area range from 25 to 30 metres, with very few properties less than that. Ms. Sandoval responded that there are also some properties with lower frontages along Carlson Drive. Mr. Vescio noted that this was in a different subdivision.

Mr. Vescio noted that the vast majority of lots on Srigley Street are in excess of 25 metres and closer to 30 metres. Mr. Vescio asked if the members had any further questions and then invited any members of the public to speak to the application.

Councillor Victor Woodhouse, 186 Carlson Drive, NEWMARKET, ON, L3Y 3H3, addressed the Committee as a local representative and Councillor for the area. Councillor Woodhouse stated he has lived in the neighbourhood for 35 years and has spoken to residents regarding the subject application. His concern as the local representative is similar to comments made by the Chair. Councillor Woodhouse noted that the vast majority are wider lots, and the concern is that the lot division and addition of the new dwellings will change the character of the neighbourhood, and set a precedence for future similar applications, with the possible future development of duplexes or triplexes. Councillor Woodhouse noted that there should be an order to what the neighbourhood looks like.

Greg Gillespie, 961 Srigley Street, NEWMARKET, ON, L3Y 1Y4, stated he objects to the application. He noted the size of the lots on the street are a lot larger than the By-law indicates.

Bessie Koutroulakis, 151 Carlson Drive, NEWMARKET, ON, L3Y 3H1, stated she wrote a letter which was submitted to Committee members. Ms. Koutroulakis stated her concerns are the same as previously mentioned, and that subdividing the property would change the neighbourhood. Ms. Koutroulakis stated she had lived there for 25 years and that the neighbourhood includes mature lots with trees and habitats, which are unique to the neighbourhood. She noted that the aesthetic will change, and may continue to change should lots be further subdivided. She noted that currently the homes are all unique with large lots and that is why they moved there.

Ian West, 948 Srigley Street, NEWMARKET, ON, L3Y 1Y3, stated he had the same issues. The application would not be an issue if it was resulting in a common frontage with the surrounding properties, however, this redrawing of property lines would result in frontages much less than surrounding properties. The application will create two properties, each with 20 feet less in frontage than the neighbouring properties, and will result in a major difference when two large dwellings are erected. He also mentioned that if this application is approved, it will be setting a precedent for future applications. A previous committee denied an application to subdivide a property in the past, within the same neighbourhood.

Hugh McKechnie, 139 Carlson Drive, NEWMARKET, ON, L3Y 3H1, stated that this neighbourhood was created with unique characteristics, and was created this way for a reason. The lot division will create two lots and is different than a few feet of frontage. Mr. McKechnie stated it is a treasure and a beautiful street that residents appreciate.

Karin Cool, 145 Carlson Drive, NEWMARKET, ON, L3Y 3H1, stated she moved to the neighbourhood eight years ago and chose her house based on the openness and aesthetics of the area. Ms. Cool stated that her property joins the subject property at the back, where the lot is narrower, and that they could essentially build a house on top of her. She also stated she anticipates increased traffic, and increased flooding at the back of her property.

Jeremiah Proctor, 1017 Srigley Street, NEWMARKET, ON, L3Y 1Y4, stated he bought his house based on the out-of-town feel within the neighbourhood. The application will result in two houses crammed together on one property, which will stand out like a sore thumb.

Ms. Lew inquired of staff that should the consent be approved, would the application require site plan agreements, including lot grading, tree protection plan, and other plans. Ms. Lew also asked of staff that should the consent not be approved, and the owner decides to build a single family dwelling with no planning application, would they need to provide these documents?

Mr. Horton advised that should the consent be denied, there would be no requirements for the owners to maintain the trees on the property and would be entitled to remove all trees on the lot without consultation. In addition, they could demolish the existing dwelling and replace it at any size that meets the Zoning by-law.

Ms. Lew asked whether the present owners could build a large two-storey house without public input. Mr. Horton responded that is correct; the existing house could be demolished, and the property owner could build a dwelling much larger than the two dwellings, should the lot be divided.

Ms. Lew inquired of staff whether they must comply with the Town's Tree Protection Plan should they divide the lot. Mr. Horton responded that is correct, conditions on the application require conformity with the Tree Protection Policy.

Mr. Vescio inquired of staff whether this was the case for any lot within the Town. Mr. Horton confirmed that as long as a proposal meets the Zoning By-law, a demolition or re-build of a dwelling does not require public input.

Mr. Vescio asked if members had any further questions of staff. Mr. Vescio asked for a motion.

The following correspondence was received and considered by the Committee regarding the application:

1. Report from Ted Horton, Planner, dated April 12, 2019
2. Report from Ted Horton, Planner, dated December 6, 2018
3. Report from Ted Horton, Planner, dated October 19, 2018
4. Report from Dave Ruggle, Senior Planner Community Planning, dated February 25, 2019
5. Memorandum from Urban Forest Innovations Inc, dated October 18, 2018

6. Memorandum from Rick Bingham, Manager of Development Engineering, dated October 10, 2018
7. Memorandum from David Potter, Chief Building Official, dated October 10, 2018
8. Email from Grace Marsh, Supervisor Property Tax & Assessment, dated October 4, 2018
9. Email from Dan Della Mora, Corridor Management Planner, Ministry of Transportation, dated October 16, 2018
10. Email from Peter Green, Director of Capital Development, Southlake Regional Health Centre, dated October 18, 2018
11. Email from Bishmita Parajuli, Hydro One, dated October 9, 2018
12. Email from Char Hall, External Liaison, Bell Canada Right of Way, dated October 11, 2018
13. Email from Gabrielle Hurst, Planning and Economic Development Branch, The Regional Municipality of York, dated October 11, 2018
14. Email from Rogers Communications, date October 16, 2018
15. Email from Ian West of 948 Srigley Street, NEWMARKET, ON, L3Y 1Y3, dated October 18, 2018
16. Email from Karin Cool of 145 Carlson Drive, NEWMARKET, ON, L3Y 3H1, dated October 17, 2018
17. Email from Vasiliki and Peter Koutroulakis of 151 Carlson Drive, NEWMARKET, ON L3Y 3H1, dated October 15, 2018
18. Email from Alan Alsop of 954 Srigley Street, NEWMARKET, ON, L3Y 1Y3, dated October 15, 2018
19. Email from Hugh and Annalee Mckechnie of 139 Carlson Drive, NEWMARKET, ON, L3Y 3H1, received October 15, 2018
20. Email from Judie and Peter Howes of 146 Carlson Drive, NEWMARKET, ON, L3Y 1Y2, dated October 15, 2018
21. Email from Greg and Paula Gillespie of 961 Srigley Street, NEWMARKET, ON, L3Y 1Y4, dated October 23, 2018
22. Email from Carol Taylor of 1030 Srigley Street, NEWMARKET, ON, L3Y 1Y3, dated November 5, 2018
23. Email from Carol Taylor of 1030 Srigley Street, NEWMARKET, ON, L3Y 1Y3, dated April 13, 2019
24. Email from Catherine and Michael Lindsay of 950 Wildwood Drive, NEWMARKET, ON, L3Y 2B5, dated October 21, 2018
25. Email from Stan Mallory of 199 Carlson Drive, NEWMARKET, ON, L3Y 3H4, dated January 23, 2019
26. Letter from Cindy Little of 886 Srigley Street, NEWMARKET, ON, L3Y 1X7, dated November 25, 2018
27. Letter from Tat Ming Tang of 898 Srigley Street, NEWMARKET, ON, L3Y 1X7, dated November 25, 2018
28. Letter from Drew Murray of 974 Wildwood Drive, NEWMARKET, ON, L3Y 2B5, dated November 25, 2018
29. Letter from Lisa Jackson of 982 Wildwood Drive, NEWMARKET, ON, L3Y 2B5, dated November 25, 2018
30. Letter from Bahram Izadi of 177 Carlson Drive, NEWMARKET, ON, L3Y 3H2, received April 15, 2019
31. Letter from M. Lawson, Resident, dated November 17, 2018
32. Letter from Parto Razi and Shahrzad Eshaqi, Residents, dated November 17, 2018

*Moved by Peter Mertens
Seconded by Elizabeth Lew*

THAT Consent Application D10-B04-18 be APPROVED, subject to the following conditions:

- a) **That the Owner obtain relief from the provisions of the zoning by-law for reduced frontage as set forth in Minor Variance Applications D13-A23-18 and D13-A24-18;**
- b) **That prior to the issuance of the Certificate of Official, that the owner be required to obtain a demolition permit and remove the existing structures on the lot;**
- c) **That prior to the issuance of any demolition permit or building permit compliance that the applicant provide to the Secretary-Treasurer confirmation from Planning Services that the provisions of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy have been fulfilled including tree protection and securities;**
- d) **That the applicant be required to enter into a site plan agreement to:**
 - i. **maintain for a period of not less than five years the tree numbered 4 and hedgerows numbered 10+ and 11+ indicated on the submitted arborist report prepared by D.A. White Tree Care dated August 29, 2018 to the satisfaction of the Town;**
 - ii. **pay to the Town an amount of not less than 200% of the appraised value of the trees located on the municipally-owned boulevard to be removed as required by Public Tree Protection By-law 2017-59;**
 - iii. **address demolition, tree protection and compensation for the existing lot; and**
 - iv. **require an amending agreement for the development of the subject and remaining lands to address lot grading, storm drainage, municipal servicing, tree protection and compensation, built form compatibility including a brief on how the proposed design represents elements of the surrounding neighbourhood, easements, and other matters.**
- e) **That the Owner be required to provide to the satisfaction of the Secretary-Treasurer of the Committee of Adjustment the following:**
 - i. **proof of payment of all outstanding taxes and local improvement charges owing to date against the subject lands;**

- ii. three white prints of a deposited reference plan showing the subject land, which conforms substantially to the application as submitted;
- iii. required transfers to effect the severance and conveyance applied for under Consent Application D10-B04-18, conveying the subject lands, and issuance by the Secretary-Treasurer of the certificate required under subsection 53(42) of the Planning Act; and
- iv. submission of an appraisal report prepared by a member of the Appraisal Institute of Canada respecting the new lot and payment of cash-in-lieu of parkland as required by the Town's Parkland Dedication By-law; and;

THAT Minor Variance Applications D13-A23-18 and D13-A24-18 be GRANTED as the Minor Variance Applications:

- (1) are minor in nature;
- (2) conform to the general intent and purpose of the Official Plan and Zoning By-law; and
- (3) are considered desirable for the appropriate development of the lot.

**In favour – Peter Mertens, Ken Smith, Elizabeth Lew, Mohsen Alavi
Opposed – Gino Vescio**

CARRIED

Mr. Vescio asked for a motion to appoint Alannah Slattery as Secretary-Treasurer.

***Moved by Elizabeth Lew
Seconded by Peter Mertens***

THAT Alannah Slattery be appointed as Secretary-Treasurer.

CARRIED

Mr. Vescio asked for a motion to appoint Linda Traviss as Alternate Secretary-Treasurer.

***Moved by Peter Mertens
Seconded by Mohsen Alavi***

THAT Linda Traviss be appointed as Alternate Secretary-Treasurer.

CARRIED

The Minutes of the meeting held on Wednesday, February 20th, 2019, were placed before the Committee for consideration.

***Moved by Elizabeth Lew
Seconded by Ken Smith***

THAT the Minutes of the Wednesday, February 20th, 2019 meeting be APPROVED.

CARRIED

THAT the Meeting adjourn.

***Moved by Peter Mertens
Seconded by Mohsen Alavi***

CARRIED

The meeting adjourned at 10:43 a.m.

Dated

Chair